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H.R. 3361, Department of Homeland Security Insider Threat and Mitigation Act of 2015, as amended

FLOOR SITUATION

On Monday, November 2, 2015, the House will consider [H.R. 3361](#), *the Department of Homeland Security Insider Threat and Mitigation Act of 2015, as amended*, under suspension of the rules. H.R. 3361 was introduced on July 29, 2015 by Rep. Peter King (R-NY) and was referred to the Committee on Homeland Security, which ordered the bill reported, as amended, by voice vote on September 30, 2015.

SUMMARY

H.R. 3361 requires the Secretary of the Department of Homeland Security (DHS) to establish an insider threat program within the Department, mandates employee education and training programs, and establishes an internal DHS Steering Committee to manage and coordinate the Department's activities related to insider threats.

The bill requires that the Insider Threat Program provide training and education for Department personnel to identify, prevent, mitigate, and respond to insider threat risks to the Department's critical assets; provide investigative support regarding potential insider threats that may pose a risk to the Department's critical assets; and conduct risk mitigation activities for insider threats.

The bill requires the Steering Committee, chaired by the Under Secretary for Intelligence and Analysis, to meet regularly and discuss cases and issues related to insider threats to the Department's critical assets. The bill also requires the Under Secretary, not later than one year after enactment, to develop a strategy to identify, prevent, mitigate, and respond to insider threats to the Department's critical assets and develop a plan to implement insider threat measures.

The bill further requires, not later than two years after enactment and biennially thereafter for the next four years, a report to Congress on how the Department and its components and offices have implemented the required strategy, the status of the Department's risk assessment of critical assets, the types of insider threat training conducted, the number of Department employees who have

received such training, and information on the effectiveness of the Insider Threat Program, based on metrics required by the bill.

BACKGROUND

There have been several acts of espionage and workplace violence committed over the past several years that have resulted in deaths and damaged U.S. national security. For example:

- U.S. Army PFC Bradley Manning provided thousands of classified government documents to WikiLeaks, which were subsequently published;
- Edward Snowden continues to hide from prosecution in Russia for stealing and later releasing classified information related to sensitive national security programs; and,
- Aaron Alexis, who held a Secret security clearance while working as a contractor at the Washington Navy Yard, killed 12 people during a rampage in 2013.

The fact that each of these individuals had been vetted and were entrusted with sensitive and classified information underscores the importance of identifying potential insider threats that could put DHS and its employees at risk.

On November 13, 2013, an official from the Office of the Director of National Intelligence testified before the Homeland Security Committee's Subcommittee on Counterterrorism and Intelligence that "damage assessments regarding individuals involved in unauthorized disclosures of classified information or acts of workplace violence have uncovered information that was not discovered during the existing security clearance process. Timely knowledge of such information might have prompted a security review or increased monitoring of the individual."¹

H.R. 3361 is designed to provide such knowledge and enable the Secretary to secure DHS facilities and its workforce.

COST

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3361 would not significantly affect spending by DHS. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

STAFF CONTACT

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.

¹ See ODNI testimony—"Open Hearing on The Insider Threat to Homeland Security: Examining Our Nation's Security Clearance Processes," November 13, 2013 at 3.